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Attorney's Docket 016417-0272123  
Client Reference:

APR 21 2006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re PATENT APPLICATION of:

Confirmation Number: 9179

GENE GOULD ET AL.

Application No.: 10/039,769

Group Art Unit: 2877

Filed: December 31, 2001

Examiner: LEE, Hwa S.

For: SCANNING SPECTROPHOTOMETER FOR HIGH THROUGHPUT FLUORESCENCE  
DETECTION AND FLUORESCENCE POLARIZATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBVIATE  
A DOUBLE PATENTING REJECTION (37 C.F.R. Section 1.321(c))**

**Identification of Person(s) Making This Disclaimer**

I, ANTHONY G. SMYTH, represent that I am the attorney of record.

**EXTENT OF DISCLAIMANT'S INTEREST**

The extent of the interest in this invention that the disclaimant owns is in the whole of this invention.

**DISCLAIMER  
(Provisional Obviousness-Type Double Patenting Rejection Over A Pending  
Application)**

Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application, which would extend beyond the expiration date of any patent granted on Application No. 09/552, 803, issued as Patent No. 6,654,119, filed on April 20, 2000, as shortened by any terminal disclaimer. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the above-listed application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

Terminal Disclaimer to Obviate a Double Patenting Rejection—page 1

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In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. Sections 154 to 156 and 173 of any patent granted on the application forming the basis of the double patenting rejection, namely, any patent granted on Application No. 09/552, 803, issued as Patent No. 6,654,119, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. Section 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

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**DISCLAIMER FEE (37 C.F.R. Section 1.20(d))**

Small entity--fee \$65.

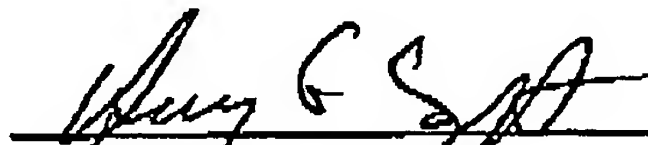
**FEE PAYMENT**

Charge Deposit Account No. 033975 the sum of \$65

A duplicate of this disclaimer is attached.

Date: April 21, 2006

PILLSBURY WINTHROP SHAW PITTMAN LLP  
11682 El Camino Real, Suite 200  
San Diego, CA 92130-2092  
Tel. No. (858) 509.4007  
Customer Number: 27500



ANTHONY G. SMYTH  
Registration No. 55636

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(When using Express Mail, the Express Mail label number is mandatory; Express Mail certification is optional.)

I hereby certify that, on the date shown below, this paper (along with any paper referred to as being attached or enclosed) is being facsimile transmitted to the Patent and Trademark Office, (571) 273-8300.

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SACHIKO Y. SNEDDEN

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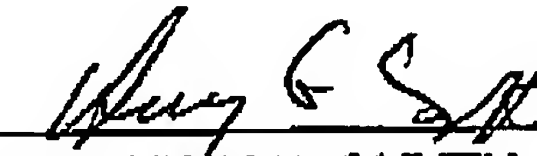
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